

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael O. THOMPSON et al.

Application No.: 10/088,913 Confirmation No.: 8909

Filed: May 7, 2002 Art Unit: 2824

For: NON-VOLATILE PASSIVE MATRIX
DEVICE AND METHOD FOR READOUT
OF THE SAME

RESPONSE TO NOTICE OF NON-COMPLIANCE

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In Response to the Notice of Non-Compliance dated September 16, 2008, Appellants have attached hereto a Supplemental Appeal Brief. Appellants note that the additional information applied in Appendix D originally submitted with the Appeal Brief filed on June 24, 2008 have not been resubmitted with the Supplemental Appeal Brief.

The Supplemental Appeal Brief addresses the concerns with referencing the specification using line numbers and including reference characters of the drawings. The Supplemental Appeal Brief includes additional line numbering and reference characters. Appellants believe the line numbering and reference characters now present in the Appeal Brief satisfy the requirements.

Regarding the additional material, Appellants respectfully disagree with the Examiner that these materials must be submitted in an Information

Disclosure Statement. The additional materials are merely supportive of Appellants arguments made in the Appeal Brief and thus part of Appellants Brief in general. Some of the additional material is created by Appellants themselves while the information pertaining to the SRAM and DRAM are provided for definition purposes only.

Appellants find no requirement that requires the submission of these materials in an Information Disclosure Statement. In fact, these materials could not be submitted in an Information Disclosure Statement without reopening prosecution.

In summary, Appellants respectfully submit that the additional information has been created in order to support Appellants arguments or provide for understanding of the definition of respective terms by one of ordinary skill, which is pertinent to Appellants arguments. Thus, the additional information provided is appropriate and important to Appellants arguments. Appellants respectfully submit that the additional information is part of Appellants brief and no further action is necessary as the additional information should be entered as part of Appellants brief.

In view of the above, Appellants respectfully submit that the Supplemental Appeal Brief is in compliance with 37 C.F.R. §41.37. Accordingly, entering of the Appeal Brief is respectfully submitted.

If the Examiner has any concerns regarding the Appeal Brief, the Examiner is invited to contact Appellants representative Chad J. Billings, Reg. No. 48,917, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: October 14, 2008

Respectfully submitted,

By 
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Attachment(s)